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09/748,049	12/22/2000	Michael K. Brown	059933.000003	4485

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EXAMINER
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VANDERPUE, KENNETH N

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 05/18/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/748,049

**Applicant(s)**

BROWN ET AL.

**Examiner**

Kenneth N Vanderpuye

**Art Unit**

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-37,40 and 41 is/are rejected.
- 7) ☒ Claim(s) 3,38 and 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4-5</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C.

112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "the application identification" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 29 is rejected as being indefinite because lines 3-5, applicant uses the phrase "a managed transmission message." However in line 2 applicant uses the phrase "the managed transmission message." It is not clear if applicant is referring to a different message or the same message.

With regards to claim 2, it is not clear what is meant by "...a reply message may be matched to a managed transmission message."

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-5, 15-18, 32-35, 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Beck et al.(6,549,538).

With regards to claim 1, Beck teaches a method for managing a transmission session(TCP session) over a stateless communication channel comprising the steps of:

Permitting an application(FTP, telnet etc) to originate a message to a specific terminating address(Fig. 3, TCP header contains destination address and destination port number), assigning an originating address to the application from a pool of originating addresses(range of locked TCP port numbers), including the terminating address and the originating address in the application for defining a managed transmission

message(Fig. 3, TCP packet contains source and destination port numbers), transmitting the managed transmission message.

Claim 2 is rejected because the locked port numbers are assigned to applications on a first come first serve basis, hence they are dynamically or randomly assigned.

With regards to claims 4, it is can be inferred from Beck that the source port number is static throughout the session since it is not changed.

With regards to claim 5, the source, destination and port numbers, are used by the destination terminal for a reply message.

Claims 15-16 are rejected because in Beck a TCP session is defined port numbers and source and destination addresses.

Claim 17 is rejected because a TCP session is bi-directional and the originating address becomes the terminating address for a reply message. Hence a comparison is inherently taught.

Claim 18 is rejected because the TCP packet is transmitted over a stateless channel(over Internet) .

Claims 32-35 are rejected because Beck teaches a TCP session which requires transmitting a TCP packet to another remote application. In TCP applications at different addresses can communicate bi-directionally.

A TCP application on a processor can receive as well as originate messages.

Claim 37 is rejected for the same reasons as claims 2.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-14, 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al in view of YU(5,636,371)

With regards to claim 6-7, 9 Beck fails to teach wherein the application is selected from a plurality of applications. This feature is taught by Yu(col. 11 lines 17-19). Each application being distinguished by different port numbers. These port numbers are stored in a list. It would be obvious to one of ordinary skill in the art to combine Yu with Beck for the purpose of supporting multiple applications. The motivation being to enable the processor to perform multiple tasks simultaneously.

With regards to claim 8, Beck fails to teach the method wherein the application is selected from a plurality of defined applications and wherein the selection of the application initiates the selection of the of the originations address. This is taught by Yu.(col. 11 lines 20-36, socket pairs or port numbers are assigned to different applications ie FTP or Telnet).

With regards to claim 10, Yu teaches that each socket pair uniquely identifies an application (col. 11 lines 26-33). It would have been obvious to combine Yu with Beck for the same reasons as above.

Claim 11 is rejected because in Beck, the port numbers are selected from a plurality of port numbers.(locked port numbers). It would have been obvious to combine Beck with Yu for the same reasons as above.

Claim 12 is rejected because in Beck the port numbers or socket numbers are accessible from a stored list.

Claim 13 is rejected because in Beck the port numbers are assigned based on need.

Claim 14 is rejected because the source port number is embedded in the TCP packet(Fig. 3).

Claims 19-28 are rejected as being obvious as a matter of design choice because the TCP protocol is a connection oriented protocol which is

support by different networks. ie wireless networks, private networks  
WANS, LANS, internet etc.

Claims 29-31 are rejected under 35 U.S.C. 103(a) as being  
unpatentable over Beck et al in view of Maher, III et al(6,654,373)

With regards to claim 29, Beck fails to teach the step of assigning a  
session ID associated with the managed transmission message and unique  
to the selected terminating address and application (Maher col. 6 lines 26-  
32) whereby a reply message may be attached to a managed transmission  
message. Beck does teach bi-directional communication hence the  
application at the terminating may reply to the message. It is well known in  
the art that reply may be a piggyback message attached to a managed  
transmission message or sent independently. It would have been obvious  
to one of ordinary skill in the art to combine Beck with Mayer and the well  
known art for the purpose of distinguishing different sessions by ID as well  
as enabling reply messages to be returned.

Claim 30 is rejected because in Maher, the originating address is a  
segment of the session ID.

Claim 31 is rejected because for the same reasons as stated in claim  
29 above.



Claims 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al in view of Millard(6,643,685)

Beck fails to teach a session wherein the application and user are only identifiable through an anonymous proxy(alias). Millard teaches the use of an internet alias proxy generator for generating aliases. It would have been obvious to one of ordinary skill in the art to combine Beck with Millard for the purpose of creating aliases. The motivation being secrecy/privacy.

Claim 41 is rejected because TCP can support different applications hence the type of application would be obvious as to the purpose. For example FTP has to do with file transfer. Hence an application for transactions in a bank or credit card company may be a payment system.

***Allowable Subject Matter***


Claims 3, 38-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth N Vanderpuye whose

telephone number is 703-308-7828. The examiner can normally be reached on M-F(7:30-5:00) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on 703-305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KENNETH VANDERPUYE  
PRIMARY EXAMINER

KNV  
5/16/04